

Joshua Margolin  
Partner  
212.390.9022  
email@selendygay.com

October 8, 2024

**Via ECF**

Hon. Edgardo Ramos  
United States District Court for the  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Smith et al. vs. Giuliani, No. 24-mc-351

Dear Judge Ramos,

We write on behalf of Movants in the above-captioned matter to enforce a non-party subpoena *duces tecum* (the “Subpoena”) to Respondent Rudolph Giuliani, to provide the Court with a status update regarding Movants’ scheduled reply papers due today, October 8, 2024. Minute Entry (entered Aug. 20, 2024).

Given Respondent’s failure to provide motion response papers by October 1, 2024, ask the Court for an extension, or otherwise respond to the Subpoena and subsequent motion, Movants view this motion as “unopposed, fully briefed, and ripe for a decision,” and respectfully request the Court to take the same position. *See* Minute Entry (entered Aug. 20, 2024); *Sines v. Yiannopoulos*, No. 20 MISC. 241 (KPF), 2020 WL 7182440, at \*2 (S.D.N.Y. Dec. 7, 2020) (“Respondent has not submitted an opposition to the instant motion [to compel compliance with a Rule 45 subpoena]. Therefore, the Court considers the renewed motion to compel to be unopposed, fully briefed, and ripe for decision.”). Movants do not plan to submit further reply briefing, unless the Court should *sua sponte* grant Respondent an extension of his opposition deadline, in which case Movants reserve all rights.

Respectfully submitted,

  
Joshua S. Margolin  
Partner